

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 542

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

1 RELATING TO PREQUALIFICATION OF CONTRACTORS ON STATE PROJECTS; AMENDING
2 SECTION 67-5711C, IDAHO CODE, TO PROVIDE FOR A CONTRACTOR'S PARTIC-
3 IPATION IN AN APPRENTICE PROGRAM REGISTERED WITH THE UNITED STATES
4 DEPARTMENT OF LABOR AND TO MAKE TECHNICAL CORRECTIONS.
5

6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Section 67-5711C, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 67-5711C. CONSTRUCTION OF PUBLIC PROJECTS -- COMPETITIVE SEALED BID-
10 DING. (1) All construction contracts for public works shall be awarded to
11 the lowest responsible and responsive bidder after receipt of competitive
12 sealed bidding except as otherwise provided in sections 67-5711B, 67-5711D
13 and 67-5713, Idaho Code.

14 (2) An invitation for bids shall be issued and shall include a project
15 description and all contractual terms and conditions applicable to the pub-
16 lic works.

17 (3) Adequate public notice of the invitation for bids shall be given at
18 least fourteen (14) days prior to the date set forth therein for the opening
19 of bids. Such notice shall include publication at least fourteen (14) days
20 prior to bid opening in a newspaper of general circulation in the area where
21 the work is located.

22 (4) When prequalification is deemed by the department and by the re-
23 spective state agency to be in the best interest of the state, competitive
24 bidding procedures shall be open only to licensed public works contractors
25 that meet preliminary supplemental qualifications. The solicitation for
26 bids in a prequalified bidder public works project shall consist of two (2)
27 stages, an initial stage for identifying prequalified contractors, either
28 prime or specialty contractors, followed by a stage during which bid prices
29 will be accepted only from prequalified contractors. Notice of the prequal-
30 ification stage shall be given in the same manner that notice of open com-
31 petitive bidding is provided. Prequalification standards must be premised
32 upon demonstrated technical competence, experience constructing similar
33 facilities, prior experience with the state, past performance (related to
34 quality, workmanship and timeliness), reliability, safety record, avail-
35 able nonfinancial resources, equipment and personnel as they relate to the
36 subject project, ~~and~~ overall performance history based upon a contractor's
37 entire body of work, and the contractor's participation in an apprentice-
38 ship program registered with the United States department of labor office
39 of apprenticeship. Any request for qualifications must include the stan-
40 dards for evaluating the qualifications of prospective bidders. Licensed
41 contractors desiring to be prequalified to bid on a project must submit a
42 written response to a request for qualifications. After a review of quali-

1 fication submittals, licensed contractors that meet the prequalification
2 standards shall be so notified, and licensed contractors that do not meet
3 the prequalification standards shall also be so notified. Thereafter, bids
4 may be solicited from contractors that meet the prequalification standards.
5 The department may promulgate rules or develop procedures to implement the
6 prequalification process.

7 (5) Bids shall be opened publicly at the time and place designated in
8 the invitation for bids. The amount of each bid and such other relevant in-
9 formation as may be specified by rules, together with the name of each bid-
10 der, shall be entered on a record and the record shall be open to public in-
11 spection. After the time of the award, all bids and bid documents shall be
12 open to public inspection in accordance with the provisions of chapter 1, ti-
13 tle 74, and section 67-9215, Idaho Code.

14 (6) With respect to a project having a written cost estimate of greater
15 than twenty-five thousand dollars (\$25,000) but less than the public works
16 limit established in section 67-5711, Idaho Code, the agency, if it does not
17 perform the work with existing physical plant staff, must award a written
18 contract to the lowest responsible and responsive bidder after soliciting at
19 least three (3) documented informal bids from contractors licensed in Idaho
20 to perform public works contracts, if reasonably available. Adequate pub-
21 lic notice of the invitation for informal bids shall be given at least seven
22 (7) days prior to the date set forth therein for the receipt of the infor-
23 mal bids. Such notice may include publication at least seven (7) days prior
24 to bid opening in a newspaper of general circulation in the area where the
25 work is located; or the agency may advertise the invitation for bids in ap-
26 propriate trade journals, and otherwise notify persons believed to be inter-
27 ested in the award of a contract. Informal bids must be submitted by the con-
28 tractor in writing in response to a prepared written document describing the
29 project's scope of work in sufficient detail so as to enable a contractor fa-
30 miliar with such work to prepare a responsible bid. Nothing herein exempts
31 an agency from the responsibility of utilizing formal plans and specifica-
32 tions if the work involves the public health or safety as described in chap-
33 ters 3 and 12, title 54, Idaho Code. The agency must document receipt of the
34 informal bids in the project file.

35 (7) Any personal property including goods, parts, supplies and equip-
36 ment which is to be supplied or provided by a state agency for use in any pub-
37 lic work, project, or preventive maintenance programs, whether the public
38 work, project, or preventive maintenance program is constructed, undertaken
39 or performed by agency in-house personnel, or by delegation pursuant to sec-
40 tion 67-5710A, Idaho Code, or otherwise provided or supplied by the agency
41 to a contractor, the personal property, goods, parts, supplies or equip-
42 ment supplied or provided by the agency must be purchased or procured by the
43 agency through the division of purchasing in accordance with the Idaho Code.